

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No. 7:09-CR-1-2H  
No. 7:16-CV-137-H

BRUCE WAYNE MILLER, )  
Petitioner, )  
 )  
 )  
v. ) **ORDER**  
 )  
 )  
UNITED STATES OF AMERICA, )  
Respondent. )

This matter is before the court on petitioner's motion to vacate pursuant to 28 U.S.C. § 2255, [DE #155 and DE #157]. This matter was stayed pending the Fourth Circuit's resolution of United States v. Walker, 2019 WL 3756052, \_\_ F.3d \_\_ (4th Cir. 2019), and United States v. Simms, 914 F.3d 229 (4th Cir. 2019). [DE #168]. In light of the Supreme Court's resolution of United States v. Davis, 139 S. Ct. 2319 (2019), the stay is hereby lifted.

Petitioner is directed to file a supplement, or other appropriate filing or motion, to the § 2255 motion to vacate within twenty-one (21) days of this order. The government shall then have twenty-one (21) days to file a response, if appropriate. In the event the parties agree petitioner is entitled to § 2255

relief, they may file a joint response within twenty-one (21) days of this order, addressing the appropriate remedy in this action.

This 20th day of August 2019.



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Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
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